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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,650	10/30/2003	Vincent Cedric Colnot		7793

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EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,650

Applicant(s)

COLNOT, VINCENT CEDRIC

Examiner

Tom Gyorf

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-15 are pending examination.

Claim Objections

2. Claim 1 is objected to because of the following informalities: the claim is directed to both a method and an apparatus, which appear to be two distinct embodiments of the instant invention. Furthermore, the limitations disclosed therein appear to be pertinent specifically to the apparatus embodiment of the instant invention. Applicant is required to separate each embodiment into an apparatus independent claim and a method independent claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claims 5-7 are rejected by virtue of their dependency on claim 4. Claim 7 is further rejected as being generally narrative and indefinite, failing to conform with current U.S. practice.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Atsmon et al. (U.S. Patent 6,607,136).

Regarding claim 1:

Atsmon discloses a method and apparatus for securing online transactions on the Internet comprising: a smart card transmitting an identification sequence to a PC in the form of a modulated signal (element 10 of Figure 1; col. 31, lines 29-55); a card reader plugged into the microphone input of the PC sound card (col. 3, lines 52-63); and a PC applet demodulating the identification sequence, and characterized by the absence of processing means within the card reader (col. 32, lines 25-50 and 64-67).

Regarding claim 2:

Atsmon discloses all the limitations of claim 1 above. Atsmon further discloses wherein the identification sequence comprises at least a unique card number (col. 16, lines 30-31) and a random number valid only once (col. 81, lines 45-50).

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Regarding claim 3:

Atsmon discloses all the limitations of claim 2 above. Atsmon further discloses wherein the random number is a session key which is not transmitted to the authentication server (col. 16, lines 33-35).

Regarding claim 4:

Atsmon discloses all the limitations of claim 3 above. Atsmon further discloses wherein the session key is a function of the previous one emitted by the card (col. 16, lines 60-65).

Regarding claim 5:

Atsmon discloses all the limitations of claim 4 above. Atsmon further discloses wherein the session key is used by the PC applet to generate a message authentication code of the password entered by the user; said first MAC is transmitted to the authentication server along with the card number (col. 52, lines 30-45; see also col. 32, lines 64-67).

Regarding claim 6:

Atsmon discloses all the limitations of claim 5 above. Atsmon further discloses wherein the server generates a second MAC of the password stored in the server authentication database, using a session key deduced from the previous session key also stored in the database (col. 60, lines 20-38; see also col. 16, lines 60-67).

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Regarding claim 7:

Atsmon discloses all the limitations of claim 6 above. Atsmon further discloses wherein the authentication is valid only if said first and second MAC are identical; and wherein the authentication server replaces Ki-1 with Ki and Ki cannot be reused (col. 78, lines 11-38).

Regarding claim 8:

Atsmon discloses all the limitations of claim 1 above. Atsmon further discloses wherein the smart card is powered by the voltage provided by the microphone input of the PC sound card (col. 3, lines 52-57).

Regarding claim 9:

Atsmon discloses all the limitations of claim 8 above. Atsmon further discloses wherein the smart card transmits the modulated signal when the switch of the card reader is pressed by the user (col. 28, lines 6-18).

Regarding claim 10:

Atsmon further discloses all the limitations of claim 9 above. Atsmon further discloses wherein at least one embodiment of the invention conforms to the ISO standards for smart cards (col. 25, lines 10-15). Consequently, it is inherent to such embodiments that the smart card transmits the modulated signal to the microphone input through ISO contact C6 (see also the ISO7816 reference, page 3).

Regarding claim 11:

Atsmon further discloses all the limitations of claim 10 above. Atsmon further discloses wherein at least one embodiment of the invention conforms to the ISO standards for smart cards (col. 25, lines 10-15). Consequently, it is inherent to such embodiments that the smart card transmits the modulated signal when the ISO contact C2 is pulled down (see also the ISO7816 reference, page 3).

Regarding claim 13:

Atsmon discloses all the limitations of claim 1 above. Atsmon further discloses wherein the card reader further comprises a battery cell powering the card (col. 3, lines 52-57; see also element 251 of Figure 26). It is inherent to the SoundBlaster cards used in the preferred embodiment of Atsmon (col. 31, lines 30-35) that they possess line inputs which exist as alternatives to plug other miscellaneous devices into (for illustration, see the enclosed Creative Sound Blaster manual, page 1-7). Also see MPEP 2163.07(a).

Regarding claim 14:

Atsmon discloses all the limitations of claim 1 above. Atsmon further discloses wherein the card reader further comprises a microphone capsule (col. 3, lines 60-63).

Regarding claim 15:

Atsmon discloses all the limitations of claim 1 above. Atsmon further discloses wherein the card reader is further integrated into the PC unit (col. 3, lines 48-52).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atsmon, and further in view of ISO7816.

Regarding claim 12:

Atsmon further discloses all the limitations of claim 11 above. Atsmon further discloses wherein at least one embodiment of the invention conforms to the ISO standards for smart cards (col. 25, lines 10-15). The ISO discloses only one set of power contacts for one power source (C1 and C5, ISO7816, page 3, section 2.2.3). However, Atsmon has an embodiment where the smart card is in contact with multiple power sources exist: both a battery on the card (element 251 of Figure 26) and a power supply in the reader (col. 3, lines 52-57); furthermore, contacts C4 and C8 were left reserved for future use. (see ISO7816, page 4, section 2.3.1). It would have been obvious to use those contacts to allow both power sources to be connected to the card simultaneously, as the motivation for doing so would be to allow the card to recharge the battery (Atsmon, col. 3, lines 52-57).

Conclusion

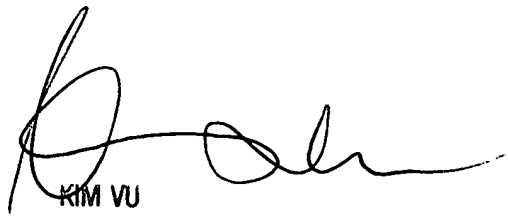
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent 7,089,209 to Kollis; U.S. Patent 7,013,393 to Stevens; and U.S. Patent 5,406,619 to Akhteruzzaman et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
11/21/06


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